



CHAPTER 9

ELECTRICITY

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Article I In GeneralSec. 9-1. Trimming of trees, shrubs and bushes; improvements.

All property owners within the city limits shall keep their trees, shrubs and bushes situated on their property trimmed from time to time in such a manner that there shall be proper clearance between all electrical lines and any portion of the trees, shrubs and bushes. Said trees, shrubs and bushes shall be so trimmed that none of the branches, twigs or leaves of same shall come in contact with or in anyway interfere with the wires or other equipment upon said electrical lines. Said trees, shrubs and bushes in the streets and alleys shall be trimmed by the city at its expense. Should a property owner fail to properly trim the trees, shrubs and bushes located on the owner's property, the city may go upon the said property owner's property to do the necessary trimming and the city will bear all costs and expenses involved in doing so.

In no event shall any homeowner, contractor, developer or resident place structures, trees, shrubs or bushes in a utility right-of-way or easement without the written permission of the utility company holding said right-of-way or easement. If existing structures, trees, bushes or shrubs are located in a utility right-of-way or easement and are deemed to obstruct utility maintenance or operation, they shall be removed upon request from the utility at the property owner's expense. Any obstruction placed on a utility easement or right-of-way without express written permission of the utility that becomes damaged through necessary utility activity on said right-of-way will not be repaired or replaced by the utility or the City of Cody.

Any property owner who fails to trim trees, shrubs or bushes located on his property, and refuses to allow the city to do so, within ten days after having been given written notice by the City of Cody that same interfere with the city's electrical lines, shall be guilty of maintaining a nuisance and shall, upon conviction, be punished as provided in section 1-11 of this code. (Ord. No. 2001-5, § 1.)

Sec. 9-2. Interference with wiring, etc., by unlicensed persons.

It shall be unlawful for the owner, contractor, workman or any other person not licensed to do electrical wiring as provided herein, to interfere with any electrical wiring or metering apparatus in or on any building in any manner whatsoever. (Ord. No. 2001-5, § 1.)

Sec. 9-3. Permit required for electrical work-Application; issuance.

No alterations or additions shall be made in existing wiring in any building, nor shall any building be wired for the placing of any electric lights, motors, heating devices or any apparatus requiring the use of electrical current, nor shall any alterations be made in the wiring of any building after inspection without first notifying the city building official or designee and securing a permit therefore. Minor repair work, alterations costing twenty-five dollars or less, or additions of three outlets or less, and not requiring additional circuits need not be inspected, but must be reported to the city building official or designee. Within the fire limits, however, such additions and alterations shall be inspected, but no inspection fees will be required.

Applications for such permits describing such work shall be made by the person installing same on application blanks furnished by the city. The permit, when issued, shall be to such applicant. (Ord. No. 2001-5, § 1.)

Sec. 9-4. Permit required for electrical work--Plans and specifications

The architect and builder are required to furnish such plans and specifications for proposed electrical work as may be deemed necessary by the city building official or designee before any permit for the same shall be issued. (Ord. No. 2001-5, § 1.)

Sec. 9-5. Permit required for electrical work -Defective work.

Any person engaged in the business of electrical construction and of the installation of wiring and apparatus for electric lights, heat or power in the city who shall fail to promptly correct any defects in his work, after having been so notified by the city building official or designee, shall not receive any further permits until such defects have been corrected; and in any case in which any person shall continue to or persistently violate the provisions of this article, he shall be punished as provided in section 1-11 until he has complied with all the rules and provisions of this article to the satisfaction of the city building official or designee. (Ord. No. 2001-5, § 1.)

Sec. 9-6. Wiring interfering with building specifications.

If, in any case, the wiring is in such a position as to interfere with the completion of the buildings as called for by specifications, the wiring contractor must be notified to have it changed. (Ord. No. 2001-5, § 1.)

Sec. 9-7. Inspection fees.

All work done pursuant to or under any permits described in section 9-3 shall be inspected by the city building official or designee, who shall charge and collect therefor a minimum fee. (Ord. No. 2001-5, § 1.)

Article II Municipal Electrical SupplySec. 9-8. General conditions governing city-supplied utilities.

(a) Execution of contract for purchase of electricity for use by the city. The mayor and city council shall sign and execute any contract that may be made with any utility, federal or state agency, department or any municipality or joint powers board concerning the purchase of electrical energy for use by the city that may be approved by resolution of the city council.

(b) Service non-transferable without advance approval. The electrical service furnished by the City of Cody is intended to be used by the actual customer that has entered into the contract with the city for the uses contemplated by the rate category of the service. This service is not to be resold, assigned, used or extended off of the tract of land served for the use or benefit of any other individual, corporation or other entity in advance of receiving the specific written approval of the city administrator or his/her designee. (Ord. No. 2001-5, § 1.)

Sec. 9-9. Meter and service deposits.

(a) All new electrical customers shall pay a deposit before power may be supplied. All residential customers shall pay a deposit of one hundred dollars, and commercial customers shall pay a deposit of two hundred dollars.

(b) Electrical customers who can provide a credit letter from their prior electric utility which shows twelve consecutive months of utility payments during which they had no more than two late payments, no insufficient funds checks, no non-pay disconnects and that their final bill was paid on time, shall not be required to post a deposit as required in section 9-9(a).

(c) Meter deposits shall be returned to the customers who posted them after twelve months if all city utility bills are paid on time. If not already returned meter deposits shall be used at the termination of service to cover any amounts owed the city by the customer. A customer receiving service at a new location must pay any and all outstanding utility debts he may have accrued in the city before a new service may be started.

(d) In the case of rental property, the deposit shall be made either by the owner of the property, by his agent in his behalf or by the party renting the property as they may agree. At the written request of the owner of the property, service will be rendered for periods in which the property is vacant only if the owner agrees to pay all utility charges incurred at the particular property up until such time as a deposit is filed by a new renter. In the event that service is to be discontinued as a result of the failure of the utility customer to pay the utility bills, notice of the impending disconnect shall be given to the owner if the owner has requested in writing that he be notified in the event his renter fails to pay utility bills.

(e) Meter deposit refund checks which are not cashed by the individuals entitled to receive them within one year of their mailing by the City of Cody, and unclaimed meter deposits for accounts that have been inactive over two years, shall be sent to the state of Wyoming under the unclaimed property act. (Ord. No. 2001-5, § 1.)

Sec. 9-10. Temporary service.

Any person desiring temporary lighting and power service from the City of Cody during construction activities before permanent power is installed shall pay a non-refundable deposit of eighty-five dollars (single phase) or one hundred twenty-five dollars (three phase) for the meter to secure payment of electricity used. The person applying for temporary service shall pay for the electricity used at the commercial rate. (Ord. No. 2001-5, § 1.)

Sec. 9-11. Bridging or interfering with meters.

(a) Any person who shall remove, alter, scrape, bare, change or connect any device, wire or fixture to any electric power wire of the city before such wire reaches the meter shall be guilty of a misdemeanor. Any person who shall break any meter seal or the wire holding any meter seal or open any electric meter or change the dials or hands thereof or break the glass in an electric meter shall be guilty of a misdemeanor. Any person who attaches any device to any electric meter designed or used to prevent electric current from flowing through such meter or shall shunt across the wires of any electric meter, or close the loops thereof or who shall by any system of wires or devices attempt to use any electric current without having the same pass through the meter in such a way as to permit the full registration and metering of such electric current shall be guilty of a misdemeanor. (Ord. No. 2001-5, § 1.)

(b) In addition to any other remedies available against any individual convicted of a violation of section 9-11 (a) and in every case in which an electric meter is found to be in any of the conditions described in section 9-11 (a) which could affect the meter's operational accuracy, precision and ability to measure current, the city shall discontinue the service at the affected meter and the individual shall forfeit any deposit posted for the said meter. Provided, however, that the city shall first give the affected customer five days written notice that his service shall be discontinued and the customer shall have three days from the date of receipt of the said notice to file a written request for a hearing with the city administrator or his/her designee to show cause why his electrical utility service should not be disconnected and discontinued. Notification shall be accomplished by, and be complete upon, posting the written notice of termination upon the affected meter or by depositing a copy thereof, postage prepaid in the U.S. Mail, duly addressed to the customer at the address used by the city for utility bills in the case of an individual who has a utility account with the city. If the affected customer can show that his meter is not in the condition described in section 9-11 (a) then his service shall be reconnected and his meter deposit reinstated. The entire balance, if any, of an affected customer's utility account with the city shall become immediately due and payable upon discontinuation of the said service pursuant to this section. A new meter deposit must be posted and the actual cost of repairing the affected meter must be paid to the city once the meter is repaired before electrical service may be resumed at the same

(c) location. In addition, the customer shall pay for the estimated usage he should have received during the period of time when his meter was not functioning correctly, based upon the average billing for the period of time in question based on the said customer's previous billing experience with the city. If the customer has insufficient billing experience with the city from which to derive an estimated amount of usage based on previous experience, then and in that event, he shall pay an amount determined by the average electricity usage for that type of service of similarly situated city electrical utility customers over the period of time in question.

(d) It shall be the responsibility of each customer supplied with electricity to keep the electric meter accessible for reading, inspection, or testing. Continued failure to provide accessibility may result, after due notice, in cessation of service until the accessibility problem is corrected. (Ord. No. 2001-5, § 1.)

Article III Rates and Charges for Electrical
Current Furnished by city.

Sec. 9-12. Collector.

(a) The director of administrative services or his/her designee shall be the collector of all city utility bills and is authorized to enter into agreements, on behalf of the city, for the payment of past due accounts including all applicable charges, on reasonable terms and conditions and to consolidate and equalize customers' utility payments.

(b) The director of administrative services or his/her designee with the approval of the city administrator or his/her designee shall be authorized to enter into agreements and assign applicable rates to adjust individual customer accounts. This may happen from time to time as necessary when a customer had been placed on an incorrect rate. (Ord. No. 2001-5, § 1.)

Sec. 9-13. Schedule of rates.

(a) Residential service rate.

(1) The rates to be charged for domestic purposes shall be as follows:

(i) For electrical usage billed after September 1, 2006

A. Each customer shall pay a monthly customer charge of \$11.95; and

B. Additionally, each customer shall pay \$0.067 per kilowatt-hour used per month as an energy charge.

(2) This rate is applicable to a single-family private dwelling unit supplied through one meter for domestic use. This schedule is not available to a residence, which is used for commercial purposes; except for offices, residential bed and breakfast facilities (as defined by W.S.S. Food and Safety Rule 2002), and day care centers, which are clearly incidental and secondary to the use of the dwelling purposes and are conducted only within the dwelling unit. If the customer's wiring is so arranged that electric service for domestic and non-domestic purposes can be metered separately, then this schedule is available for that portion used for domestic purposes.

(b) Commercial and miscellaneous service rate.

(1) The rates to be charged for commercial and miscellaneous purposes shall be as follows:

(i) For electrical usage billed after September 1, 2006

A. Each customer shall pay a monthly customer charge of \$32.00 and

B. Additionally, each customer shall pay \$0.067 per kilowatt-hour.

(2) This rate shall be applicable to customers using electric service supplied at one point of delivery and for which no specific schedule is provided. Service size under this schedule shall be two hundred amperes maximum. For multiple services or services larger than two hundred amperes, the general service rate shall apply.

(c) Optional small commercial and miscellaneous service rate.

(1) The rates to be charged for the optional commercial and miscellaneous service rate shall be as follows:

For electrical usage after September 1, 2006

(i) Each customer shall pay a monthly customer charge of \$10.00; and

(ii) Additionally, each customer shall pay \$0.0950 per kilowatt-hour for all energy used per month as an energy charge.

(2) Customers who would otherwise be eligible for the commercial and miscellaneous rate and requesting service of 120/240 Volt single-phase or 120/208 network service may elect to be billed under this rate schedule. Customer election of this rate schedule shall be for a minimum period of twelve consecutive months.

(d) General service rate.

(1) The rates to be charged for those customers with demand meters shall be as follows:

For electrical usage billed after September 1, 2006

(i) Each customer shall pay a monthly customer charge of \$64.00 and

(ii) Additionally, each customer shall pay \$0.0325 per kilowatt hour per month as an energy charge; and

(iii) Additionally, each customer shall pay a monthly demand charge of \$8.00 per kilowatt of demand as shown or computed from the readings of the city's demand meter installed at the customer's location for the fifteen-minute period of customer's greatest use during the billing period.

(1) Customers requesting or transferring service of more than two hundred amperes after May 14, 2001 shall be billed under this demand rate.

(2) A customer requesting multiple services at the same property may be charged under this rate if it is determined by the director of administrative services or his/her designee that such charges are necessary to recover the costs of the city's equipment used to provide service to such customer.

(3) The director of administrative services or his/her designee shall establish the rate classification for new commercial customers requesting electrical service, based on the customer's anticipated energy and demand requirements.

(e) Irrigation rate.

The rates to be charged for those customers with irrigation and pumping shall be as follows:

For electrical usage after June 1, 2005:

(1) Each customer shall pay an annual customer charge of \$75.00 for twenty-five horsepower or less.

(2) Each customer shall pay an annual customer charge of \$125.00 for everything over twenty-five horsepower.

(3) Additionally, each customer shall pay \$0.0400 per kilowatt-hour per month as an energy charge;

(f) Outdoor nighttime lighting rate.

The rates to be charged for those customers who have city installed outdoor lighting on City of Cody structures shall be as follows:

150 Watt HPS	\$ 5.50
175 Watt	\$ 5.75
250 Watt	\$ 7.50
400 Watt	\$10.00
1000 Watt	\$21.00

This includes all energy costs and maintenance costs associated with each unit.

(g) Service Charges.

The following charges apply to all levels of service in addition to any other charges.

Connection and Re-connection Charge:	
Normal Office Hours	\$25.00
Other Than Normal Office Hours	\$40.00
Trouble Calls on Customer-Owned Equipment:	
Normal Office Hours	No Charge
Other Than Normal Office Hours	\$40.00
Temporary Service Connection:	
Single Phase	\$85.00 (non-refundable)
Three Phase	\$125.00 (non-refundable)
Returned Check Charge:	\$30.00
Meter Testing:	
Testing of meters more than once at customer's request in a twelve-month period, where meter is found to be accurate within two percent	\$50.00

(Ord. No. 2001-5, § 1.)

Sec. 9-14. Payment of bills.

(a) All bills for the rates and charges of all utility services furnished by the city shall be due fifteen days from the billing date. All bills shall be delinquent on the sixteenth day thereafter. Delinquent turn-off procedures shall commence after the thirty-fifth day and service will be turned off on the forty fifth day unless payment is made before that date except for cases of extreme hardship where adjustments/agreements can be made with the director of administrative services or during any period of extreme weather.

Extreme weather occurs when the average temperature is or is expected to be equal to or less than thirty-two degrees Fahrenheit for a period of twenty-four consecutive hours.

The director of administrative services or his/her designee shall determine if extreme weather is occurring or is expected and adjust disconnections or order re-connections appropriately. Where adjustments require additional re-connections and/or disconnections due to extreme weather, they shall be performed without additional fees or charges.

(b) In the event that a bill becomes delinquent the city shall initiate the delinquent turn-off procedures and the following charges shall be assessed:

Charge for the delivery of the final turn-off notice	\$20.00
Disconnection of service at meter	\$25.00
Disconnection other than meter	\$40.00

(c) If any utility payment is dishonored for any reason the customer will be notified in writing stating that the account must be paid in cash or cash equivalent within thirty days of the notice. The customer will be shut off if payment is not received. The same procedure will apply to a second dishonored payment received within a twelve-month period

Upon receipt of a third dishonored payment, the same procedure will apply and the customer will be notified in writing that payment in cash or cash equivalent will be required for payment of all future city bills for all utility customer charges and other fees.

If any payment is delivered to the City to prevent a shut off and the payment is subsequently dishonored the customer will be subject to immediate service disconnection.

Any customer who fails to pay the amount of the check and the collection fee pursuant to this section is liable to the City for three (3) times the amount of the check but in no case less than one hundred dollars (\$100), a collection fee of thirty dollars (\$30) and court costs (W.S. 1-1-115).

(d) In the event that any utility service is discontinued for non-payment of bills, or receipt of dishonored payment, all applicable charges shall be paid in full prior to reconnection, as well as any applicable billing charges and the applicable connection or reconnection fees. A reasonable attorney's fee shall be recovered by the city along with the total delinquent balance including penalties and charges for all delinquent city-supplied utilities if legal action is initiated to collect the delinquent account. (Ord. No. 2001-5, § 1.)

(e) If any electric service meter is found to be more than two percent (2%) in error, either fast or slow, proper correction shall be made of previous readings and adjusted bills shall be rendered (1) for the period of six months immediately preceding the removal of such meter from service for test, or from the time the meter was in service since last tested, but not exceeding six months since the meter shall have been shown to be in error by such test, or (2) from the date error occurred if the date of the cause can be definitely fixed. No refund is required from the City except to the customer last served by the meter prior to the testing. The limitations imposed by this provision on the time for adjustment of bills shall apply to errors in electrical service meters regardless of the type of error.

Sec. 9-15. Standards and policy.

The Electric Distribution Standards Policy dated 2001 and prepared by the electrical services division of the City of Cody, Wyoming, is hereby adopted, made a part hereof by this reference and incorporated herein as if set forth in length; together with all changes, amendments, replacements or supplements as adopted and approved by resolution of the city council.

A copy of said Electric Distribution Standards Policy shall be kept in file at the city hall and marked "Official Copy." (Ord. No. 2001-5, § 1.)

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